Serial No. 10/516,859
Customer No. 24498
Response dated July 26, 2010
Reply to Final Office Action dated May 26, 2010

REMARKS

The Final Office action mailed May 26, 2010 has been reviewed and carefully considered. No amendments have been made by this Response. Claims 1-17 are currently pending in this application. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Objections to the Specification

By the Office action, the Examiner has objected to the Specification under 35 U.S.C. 132(a) for purportedly including new matter. In particular, the Examiner has objected to the Amendment submitted on February 22, 2010 because the added material is allegedly not supported by the original disclosure. The applicants respectfully disagree.

As discussed in the Introduction to the Amendment submitted on February 22, 2010, the added material was explicitly disclosed, verbatim, in provisional application 60/385,485, of which the present application properly claims the benefit, at p. 1, lines 5-8. Furthermore, in accordance with 37 CFR 1.57(a), material provided in a prior-filed provisional application that was inadvertently omitted in a present application claiming the benefit of the provisional application under 37 C.F.R. 1.78 shall be considered to be incorporated into the present application by virtue of the benefit claim to the prior-filed provisional application. MPEP §201.17(I). Accordingly, because the inadvertently omitted material was explicitly disclosed in the provisional application of which the present application properly claims the benefit, the material is not new matter according to 37 CFR 1.57(a). As such, the Applicant respectfully requests the withdrawal of the objection.

Rejections under 35 U.S.C. §112, first paragraph

By the Office action, claims 1-17 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement and the enablement requirement. Specifically, the Office action indicates that the written description does not support or enable the phrase "automatically and repeatedly reset and reinitialize said decoder throughout a period of signal transmission idleness at a transmitter source until a transmission signal is received and a phase lock loop is established." We respectfully disagree.

In support of the rejection, the Office action maintains that the Specification teaches that the reset and reinitialization of the decoder occurs in response to a loss of a wireless audio file signal and that the signal is lost only once. As a result, the Office action asserts that the Specification does not support the feature of automatically and repeatedly resetting and

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reinitializing the decoder throughout a period of signal transmission idleness at a transmitter source.

However, the Applicant respectfully submits that the Examiner's interpretation of the resetting and reinitizalization as occurring only once is inconsistent with the Specification. As stated in the written description, the present application is directed to the problem of re-establishing a PLL in a decoder after long periods of transmission idleness from an audio file transmitter source (See, e.g., Specification, p. 1, line 27 to p. 2, line 2). The written description further teaches that a processor continually polls a decoder for an unlocked state and performs the reset and reinitialization when the decoder is in an unlocked state to re-establish the PLL (see provisional application, p. 1, lines 5-8, incorporated in the present application via the Amendment submitted on February 22, 2010; Specification, p. 4, lines 16-18 and FIG. 3). Thus, if the processor continually polls the decoder and performs the reset and re-initialization only once when the signal is lost, then the processor could not re-establish a PLL after a long period of transmission idleness, as it would not attempt to lock on the received signal when it is finally received.

As opposed to performing the reset and reinitialization only once when the signal is lost, the Specification teaches that a looped process is performed in which a processor repeatedly queries the decoder for an unlocked state and repeatedly performs a reset/reinitialization of the decoder until a locked state is achieved (see, e.g., Specification, FIG. 3). As understood by those of ordinary skill in the art, the locked state occurs when a transmission signal is received and the PLL is established. Furthermore, because the application is directed to the problem of re-establishing a PLL in a decoder after long periods of transmission idleness from an audio file transmitter source (see, e.g., Specification, p. 1, line 27 to p. 2, line 2), one of ordinary skill in the art would interpret the unlocked state as occurring during and throughout a period of signal transmission idleness at a transmitter source. Therefore, the Specification fully supports a processor that is configured to "automatically and repeatedly reset and reinitialize said decoder throughout a period of signal transmission idleness at a transmitter source until a transmission signal is received and a phase lock loop is established," as recited in claim 1.

As such, for at least the reasons discussed above, the Applicant respectfully requests the withdrawal of the rejection of claim 1 and dependent claims 2-6. In addition, the Applicant also respectfully requests the withdrawal of the rejection of claims 7 and 12, and respectfully dependent claims 8-11 and 13-17, as claims 7 and 12 recite similar features discussed above with regard to claim 1. Thus, reconsideration of the rejections is respectfully requested.

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In view of the foregoing, the Applicant respectfully requests that the rejection of the claims set forth in the Office action of May 26, 2010 be withdrawn, that pending claims 1-17 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no further additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicants' Deposit Account No. 07-0832.

Respectfully submitted,

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